

EXHIBIT 1

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
Fort Worth Division**

UNITED STATES OF AMERICA

Plaintiff,

V.

THE BOEING COMPANY

Defendant.

4:21-cr-00005-O

DECLARATION OF SEAN P. TONOLLI

Pursuant to Title 28, United States Code, Section 1746, I, Sean P. Tonolli, hereby declare
as follows:

1. I am the Acting Principal Deputy Chief of the Fraud Section of the U.S. Department of Justice (“Department”), Criminal Division (“Fraud Section”). Since January 2023, when I joined the Fraud Section, I have worked on this case along with other attorneys from the Fraud Section, the Criminal Division, and the U.S. Attorney’s Office for the Northern District of Texas (“USAO-NDTX,” and, collectively with the Fraud Section, the “Government”).

2. I submit this declaration in further support of the Government's Motion to Dismiss the Information, pursuant to Federal Rule of Criminal Procedure 48(a) and with the consent of Defendant The Boeing Company ("Boeing" or the "Company") (ECF No. 312), as well as in support of the Government's Response in Opposition to the Motion for the Appointment of a Special Prosecutor filed by certain crash-victim families (ECF No. 321). I have personal knowledge of the facts and circumstances described below.

3. The Government’s decision not to prosecute Boeing further and to enter into the non-prosecution agreement (“NPA” or the “Agreement”)¹ was considered and approved by senior Department leadership. The final approval was not provided until after the Government’s May 16, 2025 conferral with the families and the Government received and considered the follow-up written submissions by certain families, as described in my prior declaration.²

4. Since making the decision to enter into the Agreement, the Government has received additional written submissions from certain family members—directly from some, and through counsel for others—expressing their views on the Agreement and the motion to dismiss. All of the submissions are included in a compilation exhibit.³ The Government has redacted the names and other identifying information of those family members who did not affirmatively agree for their information to be included on the public docket. The Government carefully reviewed and considered all of the submissions.

5. The Government spoke with Adrian Vuckovich, counsel for Family members of 66 crash victims, on June 26, 2025. Mr. Vuckovich confirmed that while certain of his clients would prefer to receive a relatively larger share of the NPA’s Crash-Victim Beneficiaries Compensation Amount,⁴ or for Boeing to have to pay an additional sum of money to them above and beyond what the NPA requires, his clients do not oppose the Government’s motion to dismiss.

6. Boeing was obligated under the Agreement to establish and fund two escrow accounts within five business days after the Agreement became effective: an account with the

¹ May 29, 2025 Non-Prosecution Agreement between Government and Boeing, ECF No. 312-1. (“NPA”).

² Declaration of Sean P. Tonolli, ECF No. 312-2 (May 29, 2025), at 15-20, ¶¶ 44-54.

³ Ex. 2, Compilation of family written submissions.

⁴ NPA at 6, ¶ 11.

\$444.5 million Crash-Victim Beneficiaries Compensation Amount, and an account with the \$243.6 million criminal monetary penalty.⁵ Boeing has confirmed in writing to the Government, including by providing account information, that it timely established and fully funded both escrow accounts.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 2, 2025.

s/ Sean P. Tonolli

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⁵ NPA at 6-7, ¶¶ 11-12.